

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

Antonio King,  
Plaintiff

v.

Civil No. 04-cv-356-SM

Cesar Rivas, Theresa Pendleton,  
and James O'Mara, Jr.,  
Superintendent of the  
Hillsborough County  
Department of Corrections

**O R D E R**

A status conference was held on October 24, 2006. Michael J. Sheehan, Esq., appeared on behalf of the plaintiff; John A. Curran, Esq., and Elizabeth L. Hurley, Esq., appeared on behalf of defendants.

A retrial on damages will begin with jury draw on March 6, 2007.

The parties shall mediate this dispute in good faith, before a mediator of their choosing, before the end of the calendar year and shall report the success or failure of those efforts to the deputy clerk before January 15, 2007.

On or before January 15, 2007, the parties shall file memoranda addressing the proper scope of the retrial on damages, that is, whether the punitive damages award is sufficiently independent of the compensatory award, to remain intact or

whether punitive damages must also be retried along with the compensatory damages issue.

The parties anticipate the retrial will require a maximum of three trial days, including jury draw.

**SO ORDERED.**

  
Steven J. McAuliffe  
Chief Judge

October 24, 2006

cc: Michael J. Sheehan, Esq.  
Elizabeth L. Hurley, Esq.  
John A. Curran, Esq.